



U.S. Department of Justice

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April 2, 2007

The Honorable Gregory M. Sleet
United States District Judge
District of Delaware
844 King Street
Wilmington, DE 19801

**Re: United States v. Hector Soto
Criminal Action No. 06-140-GMS**

Dear Judge Sleet:

Edson A. Bostic, Esq., counsel for the defendant, has informed me that his client will enter a guilty plea in the above-listed matter. Therefore, the parties respectfully request that the Court schedule a Change of Plea hearing. A proposed Memorandum of Plea Agreement is enclosed with this letter. An original, executed Memorandum will be submitted at the Change of Plea hearing.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: *Sophie E. Bryan*
Sophie E. Bryan
Assistant United States Attorney

Enclosure

cc: Edson A. Bostic, Esq.
Clerk, U.S. District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR SOTO,

Defendant.

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Criminal Action No. 06-00140-GMS

MEMORANDUM OF PLEA AGREEMENT

Pursuant to discussions between the United States of America, by and through its attorney, Sophie E. Bryan, Assistant United States Attorney for the District of Delaware, with the consent and knowledge of Colm F. Connolly, United States Attorney for the District of Delaware, and the defendant, Hector Soto, by and through his attorney, Edson A. Bostic, Esquire, the following agreement is hereby entered into by the respective parties:

1. The defendant agrees to plead guilty in the United States District Court for the District of Delaware to Count One of the Indictment, which charges him with having illegally re-entered the United States after previously being removed from the country in violation of 8 U.S.C. §§ 1326(a) and (b)(2), which statute carries a maximum sentence of a term of imprisonment of twenty years, a fine of \$250,000, or both; three year of supervised release; and a \$100 special assessment.

2. The defendant understands that if there were a trial, the Government would have to prove the following elements of the offense charged in Count One of the Indictment: (1) the defendant is an alien and a citizen of the Dominican Republic; (2) the defendant was removed from the United States on or about April 20, 2005; (3) the defendant was subsequently found in the United States,

and was knowingly in the United States unlawfully; and (4) prior to the defendant's reembarkation at a place outside the United States, neither the Attorney General nor the Undersecretary for Border and Transportation Security in the Department of Homeland Security had expressly consented to the defendant's reapplication for admission to the United States.

3. Provided that the Government does not subsequently learn of conduct by the defendant inconsistent with acceptance of responsibility, the Government agrees that in consideration of the defendant's timely guilty plea, it will not oppose a two-point reduction in the Offense Level for the defendant's affirmative acceptance of responsibility, pursuant to Sentencing Guideline Section 3E1.1.

4. The defendant understands that the District Court must consider the United States Sentencing Guidelines and the factors set forth in 18 U.S.C. Section 3553(a) in determining an appropriate sentence. At this stage (prior to the preparation of the pre-sentence report), the defendant should expect that the Government will recommend that the Court impose a sentence consistent with the sentencing range set forth by the sentencing guidelines. The defendant understands, however, that the ultimate determination of an appropriate sentence will be up to the sentencing judge. The Court may impose a sentence which exceeds, falls below, or is contained within the sentencing range prescribed by the sentencing guidelines. The defendant expressly acknowledges that if the Court imposes a sentence outside the range set forth in the sentencing guidelines, or otherwise different than the defendant expected, or contrary to the recommendation of his attorney or the United States, the defendant will not be allowed to withdraw his guilty plea on that basis.

5. The defendant agrees to pay the \$100 special assessment the day of sentencing. Should he fail to do so, the defendant agrees to voluntarily enter the United States Bureau of Prisons'

administered program known as the Inmate Financial Responsibility Program through which the Bureau of Prisons will collect a portion of defendant's prison salary and apply it on defendant's behalf to the payment of the outstanding debt ordered.

6. The United States Attorney reserves the right to defend any ruling of the District Court should there be an appeal from this case.

7. It is further agreed by the undersigned parties that this Memorandum supersedes all prior promises, representations, and statements of the parties; that this Memorandum may be modified only in writing signed by all the parties; and that any and all promises, representations, and statements made prior to or after this Memorandum are null and void and have no effect whatsoever, unless they comport with the subsequent written modification requirements of this paragraph.

COLM F. CONNOLLY
United States Attorney

Edson A. Bostic, Esquire
Attorney for Defendant

By: _____
Sophie E. Bryan
Assistant United States Attorney

Hector Soto
Defendant

Dated:

AND NOW, this _____ day of _____, 2007, the foregoing Memorandum of
Plea Agreement is hereby (accepted) (rejected) by this Court.

Honorable Gregory M. Sleet
United States District Judge
United States District Court
District of Delaware